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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/980,434

Applicant(s)

YAMAMOTO ET AL.

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Disposition of the claims

II. The current office-action is in response to the amendments/remarks filed on 04/26/2007.

Accordingly, Claims 1-64 are pending for further examination as follows:

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kimoto et al.** [US 6115611] in view of **Havinis et al.** [US 6295454].

Regarding Claims 1, 14-19, 27, 40, 43-44, 49, 52-54 **Kimoto** disclosed a location reporting method (Abstract), comprising the steps of:

Identifying with said mobile communication terminal; (i.e. a converting unit; col.56; 46-60)

Acquiring at said mobile communication terminal location information indicating a location of said mobile communication terminal; (i.e. The up-load data transmitting unit 13 transmits information or a service relating to the above position information as up-load data to the information center 2. The information/service utilizing unit 14 utilizes information or a service relating to the position information transmitted from the information center 2; col.16; 23-33) and

Kimoto doesn't disclosed explicitly, a description format for of said requested location information down data; receiving by a mobile communication terminal, from a computer through a mobile communication network, down data containing a request for location information; adding, at said mobile communication terminal, said acquired location information to said down data in accordance with said format of said down data, transmitting a resulting data to said computer as up data. However, **Havinis** teaches in an analogous art, that a description format for of said requested location information down data; (e.g. sending as SMS or USSD format that is based on the notified format; Col.6; 8-28) receiving by a mobile communication terminal, from a computer through a mobile

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communication network, down data containing a request for location information; (i.e. LA 280 sends the positioning request to the mobile terminal; col.5; 7-28). Adding, at said mobile communication terminal, said acquired location information to said down data in accordance with said format of said down data, transmitting a resulting data to said computer as up data. (Col.5; 29-41, col.6; 29-39, col.3; 12-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Kimoto** including a description format for of said requested location information down data; receiving by a mobile communication terminal, from a computer through a mobile communication network, down data containing a request for location information; adding, at said mobile communication terminal, said acquired location information to said down data in accordance with said format of said down data, transmitting a resulting data to said computer as up data in order to provide a Mobile Station (MS) that calculates it's own position within a cellular network to report that calculated location to the requester.

Regarding Claims 2-7, 28-32, 50-51, 55-57, 61-62 **Kimoto** teaches all the particulars of the claim except wherein said steps performed by said mobile communication terminal further include the step of: detecting whether said down data contains a character string requesting location information acquisition time; and if said character string requesting location information acquisition time is detected then; Wherein, said acquiring step further includes acquiring the acquisition time of said location information; and wherein, said transmitting step further includes adding said acquired location information acquisition time before transmission. However, **Havinis**

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teaches in an analogous art, that a location reporting method as described in claims 1, 27, 49 respectively, wherein said steps performed by said mobile communication terminal further include the step of: detecting whether said down data contains a character string requesting location information acquisition time; and if said character string requesting location information acquisition time is detected then; (col.5; 29-41, col.6; 56-65, col.3; 12-31)

Wherein, said acquiring step further includes acquiring the acquisition time of said location information; and wherein, said transmitting step further includes adding said acquired location information acquisition time before transmission. (Col.5; 65-Col.6; 28)

Regarding Claims 8-10, 33-35, 58-60 Kimoto disclosed A location reporting method as described in claims 1, 27, 49 respectively, wherein, after said down data is received, said location information is acquired and transmitted at predetermined intervals. (Col.40; 25-40).

Regarding Claims 11, 24, 36, 47 Kimoto disclosed A location reporting method as described in claims 1, 23, 27, 46 respectively, wherein, said acquiring step includes generating, by said mobile communication terminal, the location of said mobile communication terminal using a global positioning system. (Col.37; 47-57)

Regarding Claim 12, Kimoto disclosed A location reporting method as described in claim 1, wherein, said acquiring step includes the steps of: transmitting, by said mobile communication terminal, a request signal requesting a predetermined node of said mobile

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communication network to generate the location information; generating, by said predetermined node, the location information of said mobile communication terminal in response to said request signal and transmitting said location information to said terminal; and receiving, by said mobile communication terminal, the location information transmitted from said node. (i.e. an URL; col.56; 46-col.57; 25)

Regarding Claim 13, Kimoto disclosed A location reporting method as described in claim 12, further comprising the step of: receiving, by said mobile communication terminal, radio waves transmitted from a plurality of satellites constituting a global positioning system; wherein, said step of transmitting request signal includes transmitting information contained in a plurality of said received radio waves, together with said request signal; and wherein, said step of generating location information includes generating said location information using the information contained in said plurality of radio waves. (col.51; 22-36)

Regarding Claims 20, Kimoto disclosed A location reporting method as described in claims 1, 27 respectively, wherein, said computer is an information providing server for providing said mobile communication terminal with location-related information relating to the location of said mobile communication terminal. (Col.37; 63-col.38; 12)

Regarding Claims 21, 25 Kimoto disclosed A location reporting method as described in claims 1, 23, respectively, wherein, said computer is a terminal connected to a network and capable of transmitting and receiving data by radio or wire. (Col.37; 63-col.38; 12)

Regarding Claims 22, 26 Kimoto disclosed A location reporting method as described in claims 1, 23, respectively, wherein, said mobile communication terminal is a portable telephone for performing phone conversations by radio. (Col.37; 63-col.38; 12)

Regarding Claim 23, Kimoto disclosed A location reporting method for reporting, to a predetermined computer, location information of a mobile communication terminal acquire in a mobile communication network serving the mobile communication terminal which is capable of performing radio communication, comprising the steps of: (i.e. In the information center 2E, the retrieving unit 22E retrieves corresponding information or service in the accumulating unit 21E on the basis of the request from the mobile terminal 1J, and the information/service transmitting unit 23E, takes out the retrieved information or service from the accumulating unit 21E, and sends the information or service to the mobile terminal 1J. The mobile terminal 1J accumulates the received information or service in the accumulating unit; col.27; 17-25)

Acquiring by said mobile communication terminal location information indicating said location of said mobile communication terminal for use by a destination mobile communication terminal; (i.e. The up-load data transmitting unit 13 transmits information or a service relating to the above position information as up-load data to the information

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center 2. The information/service utilizing unit 14 utilizes information or a service relating to the position information transmitted from the information center 2; col.16; 23-33)

Kimoto doesn't disclosed clearly, mobile communication terminal retrieving from memory a pre-stored network address indicative of a server that provides map location information that is accessible by said destination mobile communication terminal in conjunction with said location information transmitting, by said mobile communication terminal, said prestored network address for receipt by said destination mobile communication terminal after adding said acquired location information to said prestored network address. However, **Havinis** teaches in an analogous art, that said mobile communication terminal retrieving from memory a pre-stored network address indicative of a server that provides map location information that is accessible by said destination mobile communication terminal in conjunction with said location information transmitting, by said mobile communication terminal, said prestored network address for receipt by said destination mobile communication terminal after adding said acquired location information to said prestored network address. (Col.5; 29-41, col.6; 29-39, col.6; 56-65, col.3; 12-31)

Regarding Claim 37, Kimoto disclosed A mobile communication terminal as described in claim 27, wherein, said acquiring means includes: request transmitting means for transmitting a request signal requesting a predetermined node of said mobile communication network to generate the location information; and location information

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receiving means for receiving the location information transmitted, in response to said request signal, from said node. (i.e. an URL; col.56; 46-col.57; 25)

Regarding Claim 38, Kimoto disclosed A mobile communication terminal as described in claim 37, further comprising: means for receiving radio waves transmitted from a plurality of satellites constituting a global positioning system, wherein, said request signal transmitting means transmits information contained in said plurality of received radio waves, together with said request signal. (col.51; 22-36)

Regarding Claim 39, Kimoto disclosed A mobile communication terminal as described in claim 27, wherein, said acquiring means is capable of acquiring location information by a plurality of different location measuring methods, and said down data contains information designating a location measuring method; wherein, said acquiring means includes means for selecting a location measuring method designated by said down data, from among said plurality of the location measuring methods; and wherein, said transmitting means transmits, carried on said up data, location information acquired by said acquiring means according to said selected location measuring method. (Col.37; 47-57)

Regarding Claim 41, Kimoto disclosed A mobile communication terminal as described in claim 39, wherein, said location measuring method includes either one of a method using a global positioning system, or a method of identifying a base station

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covering an area in which said mobile communication terminal is located. (Col.37; 47-57)

Regarding Claim 42, Kimoto disclosed A mobile communication terminal as described in claim 39, wherein said location information contains: latitude and longitude; or information based on an administrative classification. (Col.37; 47-57)

Regarding Claim 45, Kimoto disclosed A mobile communication terminal as described in claim 27, wherein said mobile communication terminal is a portable telephone for performing phone conversations by radio. (Col.37; 63-col.38; 12)

Regarding Claim 46, Kimoto disclosed A mobile communication terminal served by a mobile communication network and reporting location information of itself to a predetermined computer, (i.e. In the information center 2E, the retrieving unit 22E retrieves corresponding information or service in the accumulating unit 21E on the basis of the request from the mobile terminal 1J, and the information/service transmitting unit 23E, takes out the retrieved information or service from the accumulating unit 21E, and sends the information or service to the mobile terminal 1J. The mobile terminal 1J accumulates the received information or service in the accumulating unit; col.27; 17-25) comprising:

Acquiring means for acquiring location information indicating a location of said mobile communication terminal for use by an arbitrary terminal; (i.e. The up-load data transmitting unit 13 transmits information or a service relating to the above position

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information as up-load data to the information center 2. The information/service utilizing unit 14 utilizes information or a service relating to the position information transmitted from the information center 2; col.16; 23-33) and

Kimoto doesn't disclosed evidently, transmitting means for adding said acquired location information to a network address of a server configured to supply map information based on said location information, said map information displayable by said arbitrary terminal, wherein said transmitting means is configured to transmit said address and said location information for receipt by said arbitrary terminal to allow a present location of said mobile communication terminal to be mapped by said arbitrary terminal using said location information and said network address to obtain map information.

However, **Havinis** teaches in an analogous art, that transmitting means for adding said acquired location information to a network address of a server configured to supply map information based on said location information, said map information displayable by said arbitrary terminal, wherein said transmitting means is configured to transmit said address and said location information for receipt by said arbitrary terminal to allow a present location of said mobile communication terminal to be mapped by said arbitrary terminal using said location information and said network address to obtain map information.

(Col.5; 29-41, col.6; 29-39, col.6; 56-65, col.3; 12-31).

Regarding Claims 63-64 **Kimoto** teaches all the particulars of the claim except location reporting method as described in Claim 1, wherein identifying, with said mobile communication terminal, a description format comprises accessing a format information file provided by said computer to identify said description format. However, **Havinis**

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teaches in an analogous art, that a location reporting method as described in claims 1, 27, location reporting method as described in Claim 1, wherein identifying, with said mobile communication terminal, a description format comprises accessing a format information file provided by said computer to identify said description format; (col.6; 8-28)

Response to Amendments & Arguments

IV. Applicant's arguments filed on 04/26/2007 have been fully considered but they are not persuasive.

Relating to Claim 1:

Since HAVINIS teaches, "When reporting logic 268 within the historical module 260 ... in the SMS or USSD command message 282 has passed, ... by the requesting LA 280 sending another SMS or USSD message (not shown), which requests all current location data from the MS 20. The historical module 260 can also be deactivated by the requesting LA 280 sending another SMS or USSD message (not shown). In either case, the historical module compares the identity information 289 stored therein with the identity information included in the new SMS or USSD message to ensure that the requesting LA 280 has the authority to override or deactivate the previously sent SMS or USSD command message 282." (Havinis, Col.6; 8-28), which *corresponds* to the claimed limitation as "a description format for of said requested location information down data." Thus, sending as SMS or USSD format that is based on the notified format, (Havinis, Col.6; 8-28), is exactly as applicant is rely upon, (Applicant's Specification

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(filed on 11/28/2001), Page.26; 17-26), that certainly, edify by **HAVINIS**. Hence, it is believed that ***HAVINIS still teaches the claimed limitations.***

The above arguments also recites for the claim 27, consequently the response is the same explanation as set forth above with regard to claim 1.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, consequently the response is the same explanation as set forth above.

Relating to Claim 23:

Since **HAVINIS** teaches, “the MS 20 to ensure that the MS 20 records and reports it's location to the requesting LA 280. When the LA 280 sends the positioning request 285, the LA 280 can also include within the positioning request 285, a positioning indicator 287, which indicates how often the MS 20 should position itself and a reporting indicator 288, which indicates how often the MS 20 should report the chronicled location information 298.” (Havinis, Col.5; 8-28), which ***corresponds*** to the claimed limitation as “mobile communication terminal retrieving from memory a pre-stored network address indicative of a server that provides map location information that is accessible by said destination mobile communication terminal in conjunction with said location information transmitting, by said mobile communication terminal, said prestored network address for receipt by said destination mobile communication terminal after adding said acquired location information to said prestored network address.” Thus, sending as SMS or USSD format to the notified mobile terminal, (Havinis, Col.5; 8-28), is exactly as applicant is rely upon, (Applicant’s Specification (filed on 11/28/2001), Page.41; 3-8), that certainly,

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edify by **HAVINIS**. Hence, it is believed that ***HAVINIS still teaches the claimed limitations.***

The above arguments also recites for the claim 46, consequently the response is the same explanation as set forth above with regard to claim 23.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, consequently the response is the same explanation as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Conclusion

V. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

/Sharad Rampuria/
Patent Examiner
Art Unit 2617


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